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**From:** Sawyer, William [Sawyer.William@epa.gov]  
**Sent:** 1/11/2021 10:50:38 PM  
**To:** Schaaf, Eric [Schaaf.Eric@epa.gov]  
**CC:** Simon, Paul [Simon.Paul@epa.gov]  
**Subject:** things a new Administration might revisit.  
**Attachments:** Implementation of Executive Order 13924 (November 25 2020).pdf

## Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

. A number of these provisions, at a minimum, should be reconsidered.

Another area might be a revisiting of the new policy issued by the AA for OECA and the General Counsel requiring pre-filing discussions in most of our administration enforcement cases. This was also, as I recall, tied in with an Executive Order, so possibly the White House will first need to decide whether to rescind or amend these Executive Orders before EPA reconsiders related policies

Another potential policy that might be reconsidered (or its frequency revisited) is the National Compliance Information System (NCIS)- the successor to the "red/green chart" tracking the status and progress of cases referred for judicial enforcement and nationally significant administrative enforcement cases. Updates are currently done monthly, and there is no evidence that HQ actually uses the information in this data system.

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**From:** Simon, Paul <Simon.Paul@epa.gov>  
**Sent:** Monday, November 30, 2020 9:58 AM  
**To:** Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Hick, Patricia <Hick.Patricia@epa.gov>; Lieber, Thomas <Lieber.Thomas@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>  
**Subject:** Significant parts of Bodine memo on Implementation of Executive Order 13924

NOTE: The guidance applies only to adminis. actions. (Fn. 6)

## Nonresponsive Deliberative/Ex. 5 relating to enforcement

# Nonresponsive Deliberative/Ex. 5 relating to enforcement

**From:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>

**Sent:** Wednesday, November 25, 2020 12:38 PM

**To:** Leadership\_Regional\_Administrators <[Leadership\\_Regional\\_Administrators@epa.gov](mailto:Leadership_Regional_Administrators@epa.gov)>; Regional Counsels and Deputies <[Regional\\_Counsels\\_and\\_Deputies@epa.gov](mailto:Regional_Counsels_and_Deputies@epa.gov)>; ECAD Directors and Deputies-Designees <[ECAD\\_Directors\\_and\\_Deputies-Designees@epa.gov](mailto:ECAD_Directors_and_Deputies-Designees@epa.gov)>; OECA Office Directors and Deputy Directors <[OECA\\_Office\\_Directors\\_and\\_Deputy\\_Directors@epa.gov](mailto:OECA_Office_Directors_and_Deputy_Directors@epa.gov)>

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**Subject:** Implementation of Executive Order 13924

Colleagues:

On May 19, 2020, the President issued Executive Order (EO) 13924, *Regulatory Relief to Support Economic Recovery*. Section 6 of the Order addresses fairness in administrative enforcement and adjudication and directs agencies to “consider the principles of fairness in administrative enforcement ... and revise their procedures and practices ...” in light of ten specific principles. The EO also authorized the Director of the Office of Management and Budget (OMB) to issue memoranda providing guidance for implementing the order. OMB did so in a memorandum dated August 31, 2020 that identifies best practices for agency consideration.

EPA’s consolidated rules of practice, as well as our statutes and implementing regulations, policies and procedures already expressly address many of the directives and best practices in the EO. The attached Implementation Memorandum serves as a reminder of those existing requirements and provides further guidance to implement the EO and OMB memorandum.

This Implementation Memorandum is effective as of today for any new administrative enforcement actions, including the initiation of any new Part 22 enforcement proceedings.

Susan

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